

**Listing of Claims:**

1. (Currently Amended) An image processing apparatus for adjusting a gradation range of an input image, comprising:

photographing condition estimation means for estimating a photographing condition of the input image;

5        selection means for selecting an arrangement of a weight coefficient based on the photographing condition;

characteristic amount calculation means for calculating a characteristic amount with respect to the input image;

10       histogram generation means for generating a weighting histogram related to the characteristic amount based on the arrangement of the weight coefficient;

gradation conversion curve calculation means for calculating a gradation conversion curve based on the histogram; and

15       gradation correction conversion means for performing gradation conversion using the gradation conversion curve so as to perform gradation correction on the input image ~~on the basis of the photographing condition~~ to adjust the gradation range to a predetermined gradation range.

2. (Currently Amended) An image processing apparatus according to claim 1, wherein the photographing condition estimation means estimates ~~★~~ the photographing condition based on

~~the basis of~~ at least one ~~piece of~~ information of focal  
5 information, photometric information, zoom position information,  
multi-spot photometric information, line-of-sight input  
information, and strobe flash information.

3. (Currently Amended) An image processing apparatus  
according to claim 1, wherein the photographing condition  
estimation means comprises:

focal position estimation means for estimating at least one  
5 of three types of focal positions including a scenic  
photographing operation, a portraiture photographing operation,  
and a close-up photographing operation from the focal  
information;

object distribution estimation means for estimating at least  
10 one of three types of object distributions of an entire screen, a  
center focus, and a central portion from the photometric  
information; and

integration means for integrally estimating ~~a~~ the  
photographing condition by combining the at least one focal  
15 position estimated by the focal position estimation means and the  
at least one object distribution estimated by the object  
distribution estimation means.

Claim 4 (Canceled).

5. (Currently Amended) An image processing apparatus according to claim 1, wherein the gradation correction ~~means~~ ~~adjusts a gradation range by~~ comprises reducing the gradation range.